

SCOTT N. SCHOOLS (SC 9990)
United States Attorney

MARK L. KROTOSKI (CABN 138549)
Chief, Criminal Division

ERIC D. ROSEN (MDSB)
Assistant United States Attorney

150 Almaden Blvd., Suite 900
San Jose, California 95113
Telephone: (408) 535-2695
FAX: (408) 535-5066
eric.d.rosen@usdoj.gov

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARIO GONZALEZ-FAVELA,

Defendant.

No. CR 05-00763 JW

**STIPULATION CONTINUING
HEARING DATE AND [PROPOSED]
ORDER**



IT IS HEREBY STIPULATED AND AGREED, by and between Scott N. Schools, United States Attorney, and Eric D. Rosen, Assistant United States Attorney, counsel for the United States of America, and Lara S. Vinnard, Assistant Federal Public Defender, counsel for defendant, that the hearing date currently scheduled for February 26, 2007 at 9:30 p.m., be vacated and continued to March 19, 2007 at 1:30 p.m., or to a date thereafter at the convenience of the Court.

This Stipulation is entered into for the following reasons:

1. The parties are continuing to investigate this matter to obtain additional information regarding Mr. Gonzalez-Favela's prior state sentence and its applicability to a

1 potential stipulated sentence in a possible disposition of this matter.

2 2. Counsel for the government will be out of the District on February 26.

3 The parties agree that time should be excluded under the Speedy Trial Act to allow time
4 for effective preparation and investigation, 18 U.S.C. § 3161 et seq., and because the ends of
5 justice outweigh the defendant's and the public's need for a speedy trial.

6
7 DATED this __21st__ day of February, 2007.

8
9 SCOTT N. SCHOOLS
10 United States Attorney

11 _____/S/_____
12 ERIC D. ROSEN
13 Assistant United States Attorney

2/21/07_____
DATE

14 _____/S/_____
15 LARA S. VINNARD
16 Assistant Federal Public Defender

2/21/07_____
DATE

17 **[PROPOSED] ORDER**

18 The parties have jointly requested a continuation of the hearing set for February 26, 2007,
19 to allow time to complete their investigations.

20 Accordingly, for good cause shown, the Court HEREBY ORDERS that the hearing date
21 presently set for February 26, 2007, be continued to March 19, 2007, at 1:30 p.m., or to a date
22 thereafter at the convenience of the Court.

23 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
24 from February 26, 2007, to March 19, 2007, shall be excluded under the Speedy Trial Act. The
25 Court finds that the ends of justice served by granting the requested continuance outweigh the
26 best interest of the public and the defendant in a speedy trial. The failure to grant the requested
27 continuance would deny counsel reasonable time necessary for effective preparation, taking into

28 //

1 account the exercise of due diligence, and would result in a miscarriage of justice. The Court
2 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A)
3 and (B)(iv).

4
5 SO ORDERED.

6
7 DATED: 2/22/2007



JAMES WARE
United States District Judge